

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00181

ROGER D. CHAPMAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On June 25, 2020, the United States of America appeared by Nowles Heinrich, Assistant United States Attorney, and the defendant, Roger D. Chapman, appeared in person and by his counsel, David O. Schles, for a hearing on the petition seeking revocation of supervised release submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a forty-two (42) month term of supervised release in this action on August 5, 2019, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on May 22, 2019.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on September 24, 2019, for amphetamine and methamphetamine, the defendant having signed a voluntary admission form acknowledging his use of methamphetamine on September 23, 2019, and by his admission to the probation officer that he used methamphetamine on or about September 30, 2019; a positive urine specimen submitted by him on October 8, 2019, for amphetamine and methamphetamine, which was confirmed positive from the national testing laboratory on October 14, 2019, the defendant having verbally admitted his use of methamphetamine to the probation officer on or about October 7, 2019; (2) the defendant failed to complete a 28-day inpatient substance abuse program through Thomas Health in Charleston, West Virginia, as instructed by the probation officer, after he began the program on October 21, 2019, and left on his own free will after having been there only 16 of the 28 days; and (3) the defendant failed to attend a mental health assessment with the court's contract provider on September 25 and October 1, 2019, after being instructed by the probation

officer to do so; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

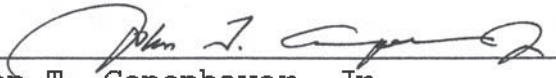
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of thirty-four (34) months of supervised release upon the same terms and standard conditions as heretofore with the exception of the special condition that he participate in drug abuse counseling and treatment. The court finds that the defendant professes that he

doesn't want the counseling and treatment, but it will be made available to him by his probation officer should he request it. The restitution balance is hereby reimposed and the defendant shall make monthly payments thereon at the rate of \$100 per month.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 26, 2020



John T. Copenhaver, Jr.
Senior United States District Judge